IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 470 of 2006 (M/B)

Chanchal Singh Aithani,
S/o Late Sri Khim Singh Aithani,
R/o Village and Post Office Bharari,
Tehsil Kapkote,
District Bageshwar. ……. Petitioner

Versus

1. District Magistrate,
   Bageshwar.
2. District Supply Officer,
   Bageshwar, …… Respondents

Mr. Manoj Tiwari, Advocate for the petitioner.

JUDGMENT

Coram: Hon. Rajeev Gupta, C.J.
Hon. Prafulla C Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Mr. Manoj Tiwari, Advocate for the petitioner is heard on admission.

2. Petitioner Chanchal Singh Aithani has filed this writ petition for the following reliefs:

> "A. To issue a writ order or direction in the nature of certiorari for quashing the impugned Notification dated 20.04.2006 issued by Respondent No. 2 as published in news papers on 21.04.2006 contained in Annexure No. 6 to the writ petition.
>
> B. To issue a writ order or direction in the nature of mandamus restraining the Respondents from accepting fresh tenders from transporters pursuant to the impugned notification dated 20.04.2006
>
> C. To issue a writ order or direction in the nature of mandamus commanding the Respondents to award contract of transporting food grains to Karmi (Bageshwar) godown to the petitioner in view of lowest rates in his tender as well as negotiation.
>
> D. To issue any other writ order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.
>
> E. Award the cost of the writ petition in favour of the petitioner."

3. The petitioner is challenging the notification dated 21.04.2006 inviting fresh tenders for transportation of food grains and sugar from Haldwani/ Almora Base Godown (Khatyadi) to the Godowns at Bageshwar for the year 2006-07.

4. Mr. Manoj Tiwari, the learned counsel for the petitioner vehemently argued that the respondents have acted arbitrarily in not accepting the petitioner's bid and in inviting fresh tenders though the petitioner's bid was the lowest.

5. Admittedly, the petitioner's bid was never accepted by the respondents. As such, the respondents being not satisfied with the rates quoted in the earlier round of tender process are well within their rights to invite fresh tenders. The petitioner will also get an opportunity of submitting his bid in the fresh process.

6. The writ petition, therefore, fails and is, hereby, dismissed.

(Prafulla C.Pant, J.) **(Rajeev Gupta, C.J.)**
25.04.2006 **25.04.2006**

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